United Nations A/54/PV.45

General Assembly
Fifty-fourth session

Official Records

45th plenary meeting
Wednesday, 3 November 1999, 10 a.m.
New York

President: Mr. Gurirab ..... (Namibia)

The meeting was called to order at 10.20 a.m.

Agenda item 15 (*continued*)

Elections to fill vacancies in principal organs

(c) Election of five members of the International Court of Justice

Memorandum by the Secretary-General (A/54/305)

List of candidates (A/54/306/Rev.1)

Curricula vitae (A/54/307)

The President: This morning, the General Assembly will proceed to the election of five members of the International Court of Justice for a nine-year term commencing on 6 February 2000. The terms of office of the following judges expire on 5 February 2000: Mr. Gilbert Guillaume, Ms. Rosalyn Higgins, Mr. Gonzalo Parra-Aranguren, Mr. Raymond Ranjeva and Mr. Christopher G. Weeramantry.

In connection with the election, I should like to bring the following matters to the attention of the members of the General Assembly.

First, in accordance with General Assembly resolution 264 (III) of 8 October 1948, a State which is a party to the Statute of the International Court of Justice but not a Member of the United Nations shall participate in the General Assembly in electing the members of the Court in the same manner as the States Members of the United Nations. Therefore, on this occasion, the representative of Switzerland may participate in the election.

Secondly, I should like to confirm that, at this time, the Security Council, independently of the General Assembly, is also proceeding to elect five members of the Court. This procedure is in accordance with Article 8 of the Statute of the Court, which provides that

> "The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court".

Accordingly, the results of the voting in the General Assembly will not be communicated to the Security Council until five candidates have obtained the required majority in the Assembly.

Finally, I should like to draw the attention of the Assembly to the documents relating to the election. The consolidated list of candidates that have been nominated by national groups is to be found in document A/54/306/Rev.1, which supersedes documents A/54/306 and the reissued A/54/306/Add.1. In this connection, members will note that document A/54/306/Add.1 was reissued on 27 October 1999 for technical reasons in order to correct the references to the "United States of America" by replacing them with references to "New Zealand". Thus, it is the national group of New Zealand, not the national group of the United States of America, which has nominated Mr. Christopher G. Weeramantry.

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I should like to inform members that the Secretariat has received a note verbale dated 1 November 1999 from the Permanent Mission of the Democratic Republic of the Congo stating that the national group of that country has decided to withdraw the candidature of Mr. Mikuin-Leliel Balanda. As the national group of the Democratic Republic of the Congo is the only national group to have nominated Mr. Mikuin-Leliel Balanda, he is therefore no longer a candidate, and his name has thus been deleted from the ballot papers.

The curricula vitae of the candidates are to be found in document A/54/307. The Assembly also has before it document A/54/305, containing a memorandum by the Secretary-General on the present composition of the Court and on the procedure to be followed in the Assembly and in the Security Council with regard to the election.

In accordance with article 10, paragraph 1, of the Statute of the Court, those candidates who obtain an absolute majority of votes both in the General Assembly and in the Security Council shall be considered as elected.

The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors whether or not they vote or are allowed to vote. The electors in the General Assembly are all 188 Member States, plus the one non-Member State which is a party to the Statute of the Court, namely Switzerland, for a total of 189 electors. Accordingly, for the present election, 95 votes constitute an absolute majority in the General Assembly.

The General Assembly will now proceed to a secret ballot. If in the first ballot fewer than five candidates obtain an absolute majority, it will be necessary to proceed to further ballots until five candidates have obtained that majority. Pursuant to the decision taken by the General Assembly at its 915th meeting, held on 16 November 1960, these ballots shall be unrestricted.

I should like to remind representatives that, pursuant to rule 88 of the Assembly's rules of procedure,

> "After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting".

Therefore, any announcements, such as those concerning withdrawals of candidatures, should be made prior to the commencement of the voting process, that is to say before the announcement of the beginning of the voting process.

May I take it that the Assembly agrees to the procedures I have just outlined?

It was so decided.

The President: We shall now begin the voting process. Ballot papers will now be distributed.

Representatives are requested to use only the ballot papers now being distributed. Only those candidates whose names appear on the ballot papers are eligible. Representatives will indicate the five candidates for whom they wish to vote by placing crosses to the left of their names on the ballot papers. Ballot papers on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. N'Dry (Côte d'Ivoire), Mr. Sgouropoulos (Greece), Mr. Mihut (Romania), Ms. Smolcic (Uruguay) and Mr. Al-Ethary (Yemen) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 10.40 a.m. and resumed at 12 noon.

The President: The result of the voting is as follows:

Number of ballot papers:	176
Number of invalid ballots:	0
Number of valid ballots:	176
Abstentions:	0
Number of members voting:	176
Required absolute majority:	95
Number of votes obtained:	
Ms. Rosalyn Higgins (United Kingdom of Great Britain and Northern Ireland)	157
Mr. Gonzalo Parra-Aranguren (Venezuela)	156
Mr. Raymond Ranjeva (Madagascar)	155
Mr. Gilbert Guillaume (France)	152
Mr. Awn Shawkat Al-Khasawneh (Jordan)	132
Mr. Christopher G. Weeramantry (Sri Lanka)	98

In the ballot just completed, more than five candidates have obtained an absolute majority. This situation has never before occurred in the General

Assembly. However, the same situation has occurred in the Security Council on several previous occasions. In this connection, I draw the attention of representatives to paragraph 14 of the memorandum of the Secretary-General contained in document A/54/305, which reads as follows:

> "Cases have arisen in the Security Council in which more than the required number of candidates have obtained an absolute majority on the same ballot. The practice followed by the Council has been to hold a new vote on all the candidates, and the President of the Council made no notification to the President of the General Assembly until only the required number of candidates, and no more, had obtained an absolute majority in the Council".

I therefore suggest that the Assembly proceed in the same manner as in the Security Council, and that a new ballot be conducted.

May I take it that the General Assembly agrees to this procedure?

It was so decided.

The President: We shall accordingly proceed to another unrestricted ballot to fill the remaining five vacancies.

We shall now begin the voting process. Ballot papers will now be distributed.

All the candidates whose names appear on the ballot papers are eligible. May I again remind delegations that the names of only five candidates should be marked with a cross. Any ballot paper on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. N'Dry (Côte d'Ivoire), Mr. Sgouropoulos (Greece), Mr. Mihut (Romania), Ms. Smolcic (Uruguay) and Mr. Al-Ethary (Yemen) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 12.15 p.m. and resumed at 1.10 p.m.

The President: The result of the voting is as follows:

Number of ballot papers:	177
Number of invalid ballots:	0
Number of valid ballots:	177
Abstentions:	0
Number of members voting:	177
Required absolute majority:	95
Number of votes obtained:	
Ms. Rosalyn Higgins (United Kingdom of Great Britain and Northern Ireland)	162
Mr. Raymond Ranjeva (Madagascar)	159
Mr. Gonzalo Parra-Aranguren (Venezuela)	155
Mr. Gilbert Guillaume (France)	152
Mr. Awn Shawkat Al-Khasawneh (Jordan)	144
Mr. Christopher G. Weeramantry (Sri Lanka)	76

The following five candidates have obtained an absolute majority in the General Assembly: Mr. Awn Shawkat Al-Khasawneh, Mr. Gilbert Guillaume, Ms. Rosalyn Higgins, Mr. Gonzalo Parra-Aranguren and Mr. Raymond Ranjeva.

I have communicated the result of the voting to the President of the Security Council.

I have received from the President of the Security Council the following letter:

> "I have the honour to inform you that at the 4059th meeting of the Security Council, held on 3 November 1999, for the purpose of electing five members of the International Court of Justice for a term of office beginning on 6 February 2000, Mr. Awn Shawkat Al-Khasawneh, Mr. Gilbert Guillaume, Ms. Rosalyn Higgins, Mr. Gonzalo Parra-Aranguren and Mr. Raymond Ranjeva obtained an absolute majority of votes."

As a result of the independent voting in the Security Council and in the General Assembly, the following five candidates have obtained an absolute majority in both organs: Mr. Awn Shawkat Al-Khasawneh, Mr. Gilbert Guillaume, Ms. Rosalyn Higgins, Mr. Gonzalo Parra-Aranguren and Mr. Raymond Ranjeva. They are therefore duly elected members of the International Court of Justice to serve for a nine-year term commencing on 6 February 2000. I take this opportunity to extend to them the Assembly's congratulations on their election and to thank the tellers for their assistance.

We have thus concluded our consideration of sub-item (c) of agenda item 15.

The meeting rose at 1.20 p.m.